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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,397	12/21/2001	Patrick Zuili	2222.5600000	3617
26111 7590 08/16/2007 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PYZOSHA, MICHAEL J	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 08/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/028,397

Applicant(s)

ZUILI, PATRICK

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 40 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 and 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-12, 16-22 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. Claims 1-22 and 40 are pending with claims 7-9 and 13-15 withdrawn from consideration.

2. Response filed 07/13/2007 has been received and considered.

5

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

10       Whoever invents or discovers any new and useful process, machine,  
manufacture, or composition of matter, or any new and useful improvement  
thereof, may obtain a patent therefor, subject to the conditions and  
requirements of this title.

Claim 40 is rejected under 35 U.S.C. 101 because the claimed  
invention is directed to non-statutory subject matter. Claim 40  
15 relates to a computer readable medium containing computer  
program code. The specification states that the computer  
readable medium can be carrier waves (see page 18 lines 7-9).  
Claims relating to signals are ineligible for patent protection  
because they do not fall within any of the four statutory  
20 classes of 35 USC 101 as they lack the necessary physical  
articles or objects to constitute a machine or a manufacture  
within the meaning of 35 USC §101. They are clearly not a  
series of steps or acts to be a process not are they a  
combination of chemical compounds to be a composition of matter.  
25 They are, at best, functional descriptive material per se.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

5 A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10 5. Claims 1-6, 16, 20-22, and 40 are rejected under 35 U.S.C. 102(a) as being anticipated by Adobe Acrobat 5.0 (as evidenced by "Adobe Acrobat 5.0 Classroom in a Book") (herein after Adobe).

15 As per claims 1, 16, and 40, Adobe discloses method for restricting use of a clipboard application in a multi-application computing environment a) receiving a copy selection associated with designated content of a source file being displayed by a source application (see page 3); b) determining  
20 whether the source file is a secured file (see page 2, where requiring a password to access a document makes it secure), where the secured file cannot be accessed without a priori knowledge (see pages 2 and 3 where the password is required to access the file); c) preventing subsequent usage of the  
25 designated content in a destination application via the clipboard application when said determining determines that the

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source file is a secured file (see pages 2 and 3 where the check box for "No Content Copying or Extraction, Disable Accessibility" prevents the content from being copied to the clipboard).

5           As per claims 2-4, Adobe discloses receiving a paste selection to provide the designated content to the destination application (see pages 2 and 3 where copying and pasting between applications are performed in applications running in an operating system).

10           As per claims 5-6 and 21-22, Adobe discloses said determining operates to determine that the source file is a secured file based on security information provided by the source application (see pages 2 and 3).

15           As per claim 20, Adobe discloses permitting storage of the designated content to the clipboard application when the determining determines that the source file is not a secured file (see pages 2 and 3 where copying and pasting works as normal when copying is allowed).

20                           ***Claim Rejections - 35 USC § 103***

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 10-12 and 17-19 rejected under 35 U.S.C. 103(a) as  
10 being unpatentable over Adobe as applied to claims 1 and 16  
above, and further in view of Blank et al. (US 20030037253).

As per claims 10, 17, and 18, Adobe fails to disclose  
storing alternate content to the clipboard application in place  
of the designated content when said determining determines that  
15 the source file is a secured file.

However, Blank et al. teaches such a copying and pasting  
technique (see paragraph [0046]).

At the time of the invention it would have been obvious to  
a person of ordinary skill in the art to store alternate content  
20 in the clipboard when the course file is a secure file.

Motivation to do so would have been control the degree of  
access the public has to data (see paragraph [0007]).

As per claims 11-12 and 19-20, the modified Adobe and Blank  
et al. system discloses storing the designated content to the  
25 clipboard application when said determining determines that the  
source file is not a secured file (see Adobe pages 2 and 3 where  
copying and pasting works as normal when copying is allowed).

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***Response to Arguments***

8. Applicant's arguments with respect to claims 1-6, 10-12,  
16-22, and 40 have been considered but are moot in view of the  
5 new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is  
considered pertinent to applicant's disclosure. Adobe Acrobat  
10 Security Settings displays is more detail the application of  
security settings in Acrobat 7.0.

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Michael  
Pyzocha whose telephone number is (571) 272-3875. The examiner  
15 can normally be reached on 7:00am - 4:30pm first Fridays of the  
bi-week off.

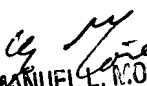
If attempts to reach the examiner by telephone are  
unsuccessful, the examiner's supervisor, Emmanuel Moise can be  
reached on (571) 272-3865. The fax phone number for the  
20 organization where this application or proceeding is assigned is  
571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status  
5 information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MJP

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER